Room 3300
Legislative Office Building
Hartford, Connecticut 06106-1591

860-240-8600
1-800-842-1420
www.SenatorWilliams.cga.ct.gov

State of Connecticut

SENATOR DONALD E. WILLIAMS, JR.

Twenty-ninth District

President Pro Tempore

Public Safety Committee
Tuesday, March 11, 2014

Testimony of
Donald E. Williams, Jr.

In Opposition to
SB 428 ***An Act Concerning Boxing and Mixed Martial Arts***

Senator Hartley, Representative Dargan, and distinguished members of the Public Safety and Security Committee:

I wish to testify in favor of the protection of the health and safety of those who participate in mixed martial arts, and *against* **SB 428** which would weaken the reasonable protections this legislature recently enacted.

Our existing law is very clear. Any corporation or entity that employs or contracts with a competitor in mixed martial arts "shall be liable for any health care costs incurred by such competitor for the diagnosis, care and treatment of any injury, illness, disease or condition resulting from or caused by such competitor's participation in such match for the duration of such injury, illness, disease or condition."

In SB 428, MMA corporations seek to weaken this basic protection of the health and safety of those who risk injury and in turn earn significant profits for the corporations. For example, the proposed legislation specifically deletes the requirement to provide coverage "for the duration of such injury," and could allow these corporations to limit their obligation to the immediate or emergency medical care provided after the injury. Their goal is not to provide for the complete coverage of injuries that result in the course of this dangerous sport, but rather to limit their liability to the detriment of the competitors and for the benefit of their own profits.

In mixed martial arts, the question of injuries is not whether they will occur, but when they will occur and how severe they will be. In a proposed contract between the UFC (Ultimate Fighting Championship) and Eddie Alvarez, the UFC described mixed martial arts in the following manner:

"The professional sport of mixed martial arts is an inherently and abnormally dangerous activity that can result in severe and permanent physical injury, including but not limited to irreversible neurological trauma, disability, or death."

The contract goes on to require that the competitor waive any claims of liability against the UFC for any injuries, even if those injuries were caused by the gross negligence of the corporation:

The competitor shall "hereby forever voluntarily release, discharge, waive and relinquish any and all, past, present and future, claims and causes of action, specifically including any claims based on negligence or gross negligence, that they may have against the Released Parties, as the result of any injury, illness, damage, loss or harm to Fighter or Fighter's property, or Fighter's death or disability, howsoever caused, resulting or arising out of or in connection with Fighter's preparation for, travel for, participation and appearance in any UFC promotional events, the Bouts, the Pre-Bout Events and the Post-Bout Events or any activities associated therewith."

The corporations that reap significant profits from mixed martial arts know that it is an inherently dangerous sport and they have sought to minimize and avoid liability—even when they are negligent—through contract law. It is our obligation as legislators to provide balance. If we fail to do so, injured competitors who have their insurance terminated before the consequences of their injuries are resolved will have their healthcare paid for by taxpayers rather than the corporations that profited from their service. That is not fair to the competitors and certainly not fair to our taxpayers.

The language this legislature previously enacted is straightforward. There is one reason and one reason only as to why the MMA corporations object—they do not want to be responsible for the full costs of injuries that they know will result in this sport. I urge this committee to reject SB 428. Thank you.